

DRAFT RURAL AREA FLEXIBILITY ANALYSIS (RAFA)  
BEACH ACT STANDARDS AND RECLASSIFICATION  
6 NYCRR PARTS 700, 703 and 890

The New York State Department of Environmental Conservation (Department) is proposing new standards for all coastal recreation waters to meet the requirements of the federal Beaches Environmental Assessment and Coastal Health (BEACH) Act of 2000 (P.L. 106-284). In addition, the Department is proposing to reclassify certain Class I waters consisting of Upper New York Bay and a portion of Lower New York Bay to add the best usage of primary contact recreation to these waters.

This document is prepared in accordance with the State Administrative Procedure Law (SAPA) § 202-bb. Pursuant to SAPA § 202-bb (4), the Department has determined that a Rural Area Flexibility Analysis is not required because the proposed rule will not have an adverse impact on rural areas, and the proposed rule would not impose any significant additional reporting, recordkeeping or other compliance requirements in rural areas of the State. This document contains the Department's rationale for this determination.

## **1. Types and Estimated Numbers of Rural Areas**

The proposed rule would adopt new water quality standards for coastal recreation waters and reclassifies certain Class I waters consisting of Upper New York Bay and a portion of Lower New York Bay to add the best usage of primary contact recreation to these waters. These waters are found along the shores of Bronx, Cayuga, Chautauqua, Erie, Jefferson, Kings, Monroe, Nassau, Niagara, Orleans, Oswego, Queens, Richmond, St. Lawrence, Suffolk, Wayne, and Westchester counties. The Class I waters proposed for reclassification to Class SB border Kings, New York,

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and Richmond counties. Cayuga, Chautauqua, Jefferson, Orleans, Oswego, St. Lawrence, and Wayne counties are rural areas as defined in Executive Law. However, as mentioned in the Regulatory Impact Statement (RIS) this rule will not have an economic impact on State Pollutant Discharge Elimination System (SPDES) permittees discharging to the Great Lakes, and therefore will not result in any anticipated economic impact within rural areas as defined in Executive Law §481(8).

## **2. Reporting, Recordkeeping, Other Compliance Requirements, and Professional Services**

As part of the SPDES program, all significant permittees (for permit classifications see the Department's Technical & Operational Guidance Series (TOGS) 1.2.2) are required to periodically report monitoring data for substances include in their permit. The proposed regulations are not expected to increase or decrease the number of significant SPDES permittees. Dischargers that may be required to report on a parameter for which they were previously not regulated would have to maintain records and report the discharge level of the newly regulated parameter on existing reports. This proposed rule does not require the submission of any new forms, nor require substantial additional professional services, in rural areas of the State.

## **3. Costs**

As mentioned above there are no permittees affected by this rule located in rural areas, as defined under Executive Law §481(8).

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#### **4. Minimizing Adverse Impact**

As mentioned above there are no permittees affected by this rule located in rural areas, as defined under Executive Law §481(8), and therefore there are no adverse impacts to minimize.

#### **5. Rural Area Participation**

SAPA § 202-bb (7) requires a rural area participation plan only if a Rural Area Flexibility Analysis is required. Pursuant to SAPA § 202-bb (4), the Department has determined that a Rural Area Flexibility Analysis is not required because the proposed rule will not have an adverse impact on rural areas, and the proposed rule would not impose any significant additional reporting, recordkeeping or other compliance requirements in rural areas of the State.

Nonetheless, the Department will inform the public about the proposed rule through the Department's website, letters to dischargers and municipalities, and notices in the Environmental Notice Bulletin and the State Register. The Department will hold two public hearings pertaining to the rulemaking. The public will have the opportunity to comment on the proposed rule by attending a public hearing or by submitting written comments to the Department.